

**PATTON BOGGS LLP**  
ATTORNEYS AT LAW

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2550 M Street, NW  
Washington, DC 20037  
202-457-8000

Facsimile 202-457-8315  
www.pattonboggs.com

May 29, 2009

William J. McGinley  
202-457-6561  
wmcginley@pattonboggs.com

**VIA HAND DELIVERY**

Jeff S. Jordan, Esquire  
Supervisory Attorney  
Office of the General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

*Rec'd JSC*  
*MAY 29 2009*  
*3:30 pm*

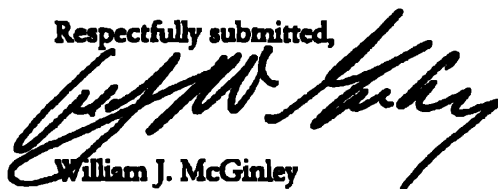
Re: MUR 6187  
Senator Norm Coleman

Dear Jordan:

Please find attached the response of our client, Senator Norm Coleman, to the complaint filed against him in the above-referenced matter. Also attached is a Statement of Designation of Counsel Form.

Please do not hesitate to contact me with any questions.

Respectfully submitted,



William J. McGinley

Attachments

BEFORE THE FEDERAL ELECTION COMMISSION

In the matter of

)

MUR 6187

)

Senator Norm Coleman

)

*Perd Doc*  
**MAY 29 2009**  
*3:30 PM*

RESPONSE OF SENATOR NORM COLEMAN TO THE COMPLAINT

This responds on behalf of our client, Senator Norm Coleman, to the notification from the Federal Election Commission ("Commission") that a complaint filed was filed against him in the above-referenced matter. Events have bypassed this baseless complaint, filed by a political opponent of the Senator – the Minnesota Democratic-Farm-Labor Party ("DFL"). For the reasons set forth below, the Commission should recognize the complaint as moot, dismiss it, close the file, and take no further action.

The complaint concerns a false charge that Senator Coleman is somehow improperly using campaign funds to pay retained counsel to represent his interests in a politically-motivated civil lawsuit filed just prior to last November's election and to respond to related press inquiries. Compl. at 2. However, the Senator has filed an Advisory Opinion Request with the Commission seeking confirmation that his principal campaign committee may pay for the costs outlined in the request.<sup>1</sup> Reports filed with the Commission confirm that no campaign funds have been used to pay for the legal services discussed in the complaint.

The fact that the Commission has an Advisory Opinion Request pending on this issue and that Senator Coleman's campaign has expended no funds to pay for the legal services described in the complaint and AOR renders the complaint moot. The complaint's speculative accusations that a violation may occur are not a sufficient basis for finding reason to believe.

<sup>1</sup> We originally submitted an Advisory Opinion Request in February 2009. However, because the Commission staff has made numerous requests for additional information before it would formally accept the Request, the AOR was not accepted until April 3, 2009.

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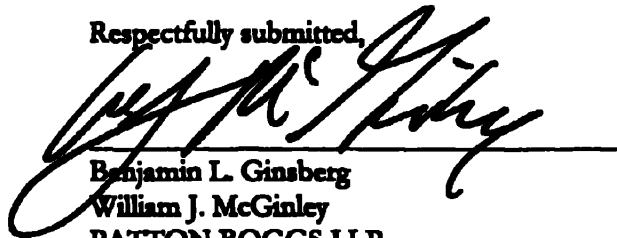
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This complaint is one of a series of baseless complaints filed by Senator Coleman's political opponents; apparently all designed to generate publicity against him as part of the election campaign or during the still pending recount.

The Commission recently dismissed a frivolous DFL complaint alleging that the campaign coordinated advertisements sponsored by the Chamber of Commerce. *See* MUR 6077. Senator Coleman's advisors have also been the target of frivolous complaints in an effort to generate media coverage; the Commission has also dismissed these matters. *See* MURs 6077 (DFL complaint against Larson dismissed); MUR 6105 (CREW complaint against Larson and others dismissed). As with these other complaints, the facts and Respondents' statements directly refute the allegations raised here, and the matter should be swiftly dismissed. *See Heckler v. Chaney*, 470 U.S. 821 (1985); *see also* Statement of Policy Regarding Commission Action in Matters at the Initial Stage in the Enforcement Process, 72 Fed. Reg. 12545 (2007).

For all the foregoing reasons, the Commission should dismiss the complaint, take no further action, and close the file in this matter.

Respectfully submitted,



Benjamin L. Ginsberg  
William J. McGinley  
PATTON BOGGS LLP  
2550 M Street, NW  
Washington, DC 20037  
P: (202) 457-6000  
F: (202) 457-6315

May 29, 2009



FEDERAL ELECTION COMMISSION  
999 E Street, N.W.  
Washington, D.C. 20463

**Statement of Designation of Counsel**

**MUR 6187**

**Name of Counsel:** William J. McGinley  
Benjamin L. Ginsberg  
Glenn Willard  
Katie Biber Chen

**Firm:** Patton Boggs, LLP  
2550 M Street, NW  
Washington, DC 20037

**Telephone:** (202) 457-6561

**Fax:** (202) 457-6315

The above named individuals are hereby designated as counsel and are authorized to receive any notifications and other communications from the Commission and to act on behalf of Senator Coleman before the Commission.

5/22/09  
Date

Norm Coleman  
Signature: Norm Coleman

**Name (Print):** Senator Norm Coleman

**Address:** 680 Transfer Road, Suite A  
St. Paul, MN 55114

**Telephone:** (651) 645-0766

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.